

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRAD RAFFENSPERGER, ET AL.,  
Defendants.**

**Civil Action No. 1:17-CV-2989-AT**

**PLAINTIFFS' RESPONSE TO COURT REQUEST FOR INFORMATION  
REGARDING LATHAM'S RESPONSES TO SUBPOENAS**

Pursuant to the Court's Order of September 22, 2022 (Dkt. 1491), Plaintiffs submit the following information: (1) identification of documents Ms. Latham has already produced in response to Plaintiffs' document requests; and (2) identification of what categories of documents Ms. Latham has not produced, which are believed to be in her possession, custody, or control, and that Plaintiffs have not been able to obtain from other sources.

**I. Documents Produced by Ms. Latham**

**a. The Subpoenas**

Ms. Latham has been served with three document subpoenas. The June 15, 2022 document subpoena from Curling Plaintiffs is attached as Exhibit 1. The July

19, 2022 document subpoena from the Coalition Plaintiffs is attached as Exhibit 2.

The August 8, 2022 document subpoena is attached as Exhibit 3.

The June 15, 2022 document subpoena contained 13 requests (Ex. 1). The July 19, 2022 document subpoena contained 20 requests (Ex. 2). The August 8, 2022 Subpoena contained one request (Ex. 3):

1. All personal electronic devices such as cellphones, smartphones, tablets, laptops, removable media (e.g. USB drives, external hard drives, etc.), desktops, cloud-based storage accounts (e.g. Dropbox, Apple iCloud, etc.), or servers.

#### **b. Latham's Production**

On July 12, 2022, Latham produced 14 documents and a batch of audit data from a municipal election:

- Two PowerPoint presentations Latham made concerning Cobb County and Fulton County Election Data problems.
- Three email messages sent from her Gmail address:
  - One to Gabriel Sterling regarding getting extra scanner for Coffee County;
  - One to Misty Hampton attaching a December 9, 2020 letter describing her efforts to help Coffee County Board of Elections in obtaining a new scanner; and
  - One to a host of people inviting them to a talk with the National Advisory Board of Women for Trump 2020 and Brad Raffensperger to demonstrate voter machines.
- Four screenshots of text messages with:
  - Misty Hampton asking about Scott Hall's last name;

- Misty Hampton where Latham sends her Paul Maggio and Scott Hall contact information; and
  - Brad Raffensperger about extra scanner for Coffee County and his response that he would check with Gabriel Sterling.
- A folder of “Senate Hearing Stuff” that includes:
  - December 9, 2020 Declaration from Latham in favor of an injunction against drop boxes;
  - Affidavit for Senate Run-off expressing concerns with Dominion equipment;
  - Letter from Eric Chaney to House Governmental Affairs Committee on December 10, 2020 and exhibits thereto, received from Open Records Request;
  - Spreadsheet of “Discrepancies [sic] in the November 3, 2020 and General Election and Recounts”;
  - December 4, 2020 Letter from Coffee County Board of Elections to the Secretary of State indicating they could not certify the electronic recount numbers; and
  - “Statement Dec 21” indicating concerns with Coffee County recount.
- Audit Nicholls Ballots from Nov 2021 Municipal Election.

On September 13, 2022, hours before submitting her reply in support of her motion to quash, Ms. Latham produced an additional nine emails with attachments and three documents, comprising:

- Feb. 24, 2021 Gmail from Latham to Scott Hall forwarding contact of person he should speak to in Stephens County;
- Feb. 24, 2021 Gmail from Latham to Scott Hall forwarding County Summary Data;
- Feb. 24, 2021 Gmail from Latham to Scott Hall from Effingham County GOP Chair;

- Feb. 10, 2021 Gmail from Latham's Proton mail account to her Gmail account forwarding message from Scott [Magnolia64@protonmail.com](mailto:Magnolia64@protonmail.com) re Dominion Contracts and including his full name, Scott G. Hall. Latham in turn had sent that data to others;
- Feb. 24, 2021 Gmail from Latham to Scott Hall with attachment re Effingham County;
- Feb. 24, 2021 Gmail from Latham to Scott Hall forwarding Audit final results from Effingham;
- Feb. 24, 2021 Gmail from Latham to Scott Hall forwarding more Effingham information;
- Dec. 10, 2020 Gmail from Arthur Morin to Latham with correspondence and attachments re possible evidence of fraud in Brooks County;
- Latham School Absentee Report;
- Latham School Year Calendar.

Based on dates shown on the foregoing Gmail print-outs, the emails appear to have been pulled on August 10-11, 2022, but were not produced until a month later on the day Latham's reply was filed.

## **II. Documents Not Produced by Ms. Latham**

Ms. Latham did not produce:

- any emails or texts with SullivanStrickler, though she had communications with them (*see, e.g.*, Dkts. 1470-3 at -078; 1470-2 at 6);
- any additional communications with Scott Hall apart from items she forwarded months later;
- any communications with Eric Chaney, Ed Voyles, or anyone else regarding concerns over the Dominion equipment or the efforts to inspect or image the equipment;

- any communications with those organizing the imaging, including Ms. Hampton or any representative of the Trump campaign;
- any Signal messages or emails from her Proton Mail account; or
- the photographs she took relating to the Coffee County imaging and scanning (*see* Dkt. 1489-8 at 34, 58 (showing Latham taking photos in the Elections Office during the breach)).

The following chart demonstrates more specifically the documents responsive to Plaintiffs' Subpoenas that Ms. Latham did not produce, and explanation of the context for why they are believed to be in her possession, custody or control, why Plaintiffs have not been able to obtain the documents from other sources, and an identification of the specific requests for production (RFPs) to which the documents are responsive.

	<b>Responsive Documents Not Produced</b>	<b>Description or Context as to Latham</b>	<b>Attempt to Obtain from Others</b>	<b>Subpoena Reference Paragraph</b>
1.	Documents relating to the Coffee County breach	Latham was involved in organizing, meeting with, and was physically present during the breach.	While Plaintiffs have obtained information from SullivanStrickler, they have little information leading to the planning and coordination of the breach.	Curling RFPs 1-9  CGG RFPs 1-9
2.	Documents referring to what data, components, systems or processes were accessed and what was done with the data.	Latham was involved in organizing the data collection and may have unique information about what the purpose and ultimate use was of the data.	While Plaintiffs have obtained the data collected, they have little insight into why it was collected and how it has been used.	Curling RFPs 3, 5, 6  CGG RFPs 3, 5, 6, 9, 13
3.	Communications with the Secretary of State,	The Secretary of State has explained that an	No SOS, SEB, or Coffee County	Curing RFPs 8-9

	State Elections Board, Coffee County, or others relating to the Coffee County access or any investigation thereof.	investigation has been underway, including involving Latham. At least Eric Chaney of the Coffee County Elections Board was involved.	official other than Misty Hampton has produced any documents concerning the breach.	CGG RFPs 8 - 9, 12
4.	Communications with Misty Hampton (emails and texts)	Latham's collaborations with Hampton (Election Director) to plan for access to voting system and subsequent sharing of information.	Hampton has produced some text messages, but provided no emails, and disobeyed subpoena for deposition. Latham produced some, but not all texts and no emails  Coffee County has provided few Hampton emails, claiming destruction of election office emails.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
5.	Communications with Eric Chaney (emails, texts)	Latham's collaborations with Chaney (BOER member) to plan for access to voting system and subsequent sharing of information.	Chaney has provided no emails, claiming to have no communications but his texts with Latham have surfaced as well as indications he, Latham, and Hampton were on Signal together.	CGG RFPs 1-9, 12-20  Curling RFPs 1-8, 12
6.	Communications with Scott Hall (emails, texts)	Latham's collaborations with Hall (coordinator, funder) to plan for access to voting system and subsequent sharing of information.	Hall has evaded service of subpoena.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
7.	Communications with Ed Voyles	Latham's collaborations with Voyles (former BOER chair, witness shown in video present throughout) to plan for	Plaintiffs have repeatedly been unsuccessful in serving Voyles now residing in Colorado.	CGG RFPs 1-9, 11-20  Curling RFPs 1-8, 12

		access and subsequent information sharing.		
8.	Communications with Anthony Rowell (emails, texts)	Latham's potential sharing of information with Coffee County official and county attorney, Anthony Rowell, regarding access to voting system.	Coffee County has not produced these documents; Plaintiffs have not subpoenaed attorney Rowell.	CGG RFPs 1-9, 11-20  Curling RFPs 1-9, 12
9.	Communications with Sidney Powell or her associates (emails, texts)	Latham's coordination with Powell who engaged SullivanStrickler for forensic work.	Stefanie Lambert, Powell associate, has evaded service of subpoena. Plaintiffs have not subpoenaed Powell.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
10.	Communications with Robert Sinners (email, text)	Latham's information sharing with Sinners (GA Trump campaign operation manager) including Sinners' visit to Coffee to collect evidence for 12/2020 election contest against Coffee BOER; Sinners' phone number appears in text between Hampton and Chaney.	Sinners will be depose 9/28/22.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
11.	Communications with Alex Cruce (email, text)	Cruce, a programmer, came with Hall and is shown in 1/7/21 video with Latham.	Plaintiffs have been unable to serve Cruce's subpoena in Florida.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
12.	Communications with Jeffrey Lenberg (email, text)	Latham's coordination of visits for system access by Lenberg (2/19-2/20;2/25-2/29) and information sharing.	Plaintiffs have been unable to serve Lenberg's subpoena in New Mexico.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
13.	Communications with Doug Logan (email, text)	Latham's coordination of visits for system access by Logan (Cyber Ninjas) (2/19-2/20) and information sharing.	Logan has refused to produce documents or sit for deposition in response to Plaintiff's subpoena; Pending Motion to	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12

			Compel in Middle District of Florida.	
14.	Communications with Rudy Giuliani and colleague Jenna Ellis (email, text)	Latham's communications re: system access, related testimony in Gen. Assembly hearings, and Trump draft Exec. Orders referencing Coffee County.	Plaintiffs have not subpoenaed Giuliani or Ellis.	CGG RFPs 1-16, 19, 20  Curling RFPs 1-7, 12
15.	Communications with Shawn Still (email, text)	Latham's communications re: system access, voting system discrepancy claims, with Still (Plaintiff in 12/12/20 Election Contest against Coffee County BOER); Still, also a "fake" elector, was associated with Sinners.	Sinners to be deposed 9/28/22; No discovery is pending from Still.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
16.	Communications with Alex Kaufman (email, text)	Latham's communications re: system access, voting system discrepancy claims, with Kaufman (Attorney for 12/12/20 Election Contest against Coffee County BOER).	Plaintiffs have not subpoenaed Kaufman.	CGG RFPs  Curling RFPs 1-7, 12
17.	Communications with Stefanie Lambert (email, text)	Latham's coordination with Lambert (Powell associate, and Hampton attorney) who engaged SullivanStrickler for forensic work and obtained their electronic files; purports to represent Misty Hampton.	Lambert has evaded service of subpoenas.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
18.	Documents related to Latham's claimed "whistleblower" status.	Plaintiffs need explanation of this claim if related to access to voting system.	Plaintiffs have not subpoenaed Preston Halliburton, Latham's D.C.	CGG RFPs 3, 8, 9, 11,  Curling RFPs 8-9



			attorney who asserted this claim.	
19.	Documents related to plans to arrange voting system access in other GA counties (emails, text)	<p>Latham's communications with counties for which she was GOP caucus chair (120+ counties), and encouraged similar activities in some counties.</p> <hr/> <p>Latham's communications with members of the GA General Assembly seeking forensic imaging and auditing of voting systems across state.</p>	No subpoenas are pending of other counties' officials or GOP leaders or members of the General Assembly.	CGG RFPs 8, 12, 13, 15, 16, Curling RFPs 8-9.
20.	Photographs taken in Elections Office while activities at issue were taking place.	Latham's photographs of people and access activities. Video shows Latham taking photos on 1/7/21.	Photographs are presumably only in Latham's possession.	CGG RFPs 1, 2, 3, 5, 9, 11, 13, 17, Curling RFPs 1-7
21.	Communications (emails and texts) with other individuals named in subpoena.	<p>Matthew McCullough (Coffee BOER member);</p> <p>Russell Ramsland (claims to have visited GA election office and has copy of Coffee server image);</p> <p>Conan Hayes (accessed GA server image and known participant in other forensic imaging);</p> <p>David Shafer (GA GOP Chair); Patrick Byrne (funder of Nov. 2020 election forensic activities);</p> <p>Lin Wood (Trump attorney and organizer of forensic auditing</p>	Latham pled the Fifth Amendment for all of her communications with these individuals, so pre-existing documents are the only way to obtain this information.	All of CGG RFPs

		efforts); Garland Favorito (organizer of Nov. 2020 challenge activities); Phil Waldron (organizer of forensic activities with GA role); Michael Flynn (organized attempts at forensic imaging of voting systems); Kevin Moncla (individual claiming knowledge of Latham's activities and communications with her concerning such activities).		
22.	Communications with SullivanStrickler staff (emails, texts, photos)	Latham's collaborations with SullivanStrickler staff to plan for access to voting system and subsequent sharing of information.	Paul Maggio has produced some records, but no text messages and it appears Latham had additional communications.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
23.	Communications with Mike Lindell (emails, texts)	Communications re: forensic efforts and results in Coffee with Lindell (known to have visited Coffee 2/25/22).	Plaintiffs have not subpoenaed Lindell.	CGG RFPs 1-9, 12-20  Curling RFPs 1-7, 12
24.	Non-privileged communications with Robert Cheeley	Communications re: voting system access in any GA county in Cheeley's role planning for GA forensic imaging and audits.	Plaintiffs have not subpoenaed Cheeley.	CGG RFPs 1-9, 12-20
25.	Latham communications regarding this litigation		Only Latham will know whether and what these are.	Curling RFP 12  CGG RFP 12

As is requested in the concurrently-filed Motion to Compel, Latham should be ordered to produce all of the items identified in this Section II.

Respectfully submitted this 25th day of September, 2022.

/s/ David D. Cross

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**CERTIFICATE OF COMPLIANCE**

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross  
David D. Cross

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 25, 2022, a copy of the foregoing **PLAINTIFFS' RESPONSE TO COURT REQUEST FOR INFORMATION REGARDING LATHAM'S RESPONSES TO SUBPOENAS** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross  
David D. Cross